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MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2017-101
Site: 81 Highland Avenue
Date of Decision: December 13, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 27, 2017

ZBA DECISION

Applicant Name:	City of Somerville
Applicant Address:	93 Highland Avenue
Property Owner Name:	City of Somerville
Property Owner Address:	93 Highland Avenue
Agent Name:	PMA Consultants/Chad Crittenden

Legal Notice: Applicant and Owner, the City of Somerville, seek Special Permits per 4.4.1 to alter the existing, non-conforming structure (Somerville High School), and a Variance for parking under Article 9. RC zone. Ward 3.¹

<u>Zoning District/Ward:</u>	RC zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1, Article 9
<u>Date of Application:</u>	September 1, 2017
<u>Date(s) of Public Hearing:</u>	October 18, 2017, November 28, 2017, December 13, 2017
<u>Date of Decision:</u>	December 13, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2017-101 was opened before the Zoning Board of Appeals in the Somerville High School Auditorium, 81 Highland Avenue on December 13, 2017. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. During a special meeting of the zoning board on November 28, 2017, the board voted to split their decision by voting on the requested special permits for this project on November 28th and postponing the vote on the requested parking variance until December 13, 2017. After taking further testimony on December 13, 2017 regarding the requested parking variance, the ZBA took a vote.

¹ The special permit is covered under a separate decision. This decision is only for the Article 9 variance.



I. PROJECT DESCRIPTION

1. **Subject Property:** The subject building, the Somerville High School (SHS), is part of the civic campus fronting on Highland Avenue that also contains Somerville City Hall, the Central Library, parking areas and memorials. This entire area is one parcel owned by the City of Somerville. The parcel totals 568,454 square feet.

The Somerville High School (SHS) building dominates the majority of the civic campus. At roughly 360,000 square feet, SHS is also the largest building on the site. SHS currently consists of the original 1895 high school building, 1920s-era wings and connectors, the former gymnasium (which now houses, among other services, the school library), the field house, and another addition from the 1980s. The high school is a legally non-conforming structure in the RC zone. The educational use is a “protected” use under the state Zoning Act.

2. **Proposal:** The SHS project will be a multi-phase demolition, addition and renovation process. The two 1920s-era wings and connectors will be demolished (see Comment section below). The original 1895 high school building will not be used as part of the new high school complex but will be retained for City use at some point in the future. The original gymnasium and the Field House will be retained, renovated, and incorporated into the new high school building. The remaining sections of the current high school building will be demolished.

The renovations and newly-constructed components of the school will include a 6-story area that replaces the existing 3-story shop facilities. The new addition will include dining areas, the media center, classroom/vocational spaces, PE support and supplementary programs. The new construction will largely be located in the eastern half of the project site.

The proposal includes improved ADA accessibility throughout the site including, but not limited to ADA-compliant entrances, handicapped door operators, accessible workstations in the science rooms accessible classroom doors, drinking fountains, and lavatories.

The entirety of the SHS-specific site will be full re-landscaped and a synthetic turf athletic field will be constructed.

3. **Green Building Practices:** The project shall meet energy code and includes design concepts such as sunshades along the southern façade of the new building and the fenestration used within the building envelope will be installed mitigate energy use. The city is committed to extensive energy efficiency programs. The design team spent extensive time with the community and the high school project committee to find the most effective ways for implementing green elements. The city continues to work towards a site plan for the entirety of Central Hill that is as close as possible to “net zero”.

4. **Comments:**

Ward Alderman: Alderman McWatters has been involved with this project throughout.

Historic Preservation Commission: The SHS building team first met with the Historic Preservation Commission (HPC), Preservation Staff, and Planning Staff in early 2016 in order to comply with state-mandated reviews from the Massachusetts Historical Commission (MHC). A second goal of the SHS building team was to engage with the HPC early in the project process in order to understand the HPC’s



demolition review process. Because the building team met early on with the HPC and Staff, all parties were able to enter into a Memorandum of Agreement (MOA) that satisfied the HPC's desire to have key historic components of the 1920s wings and connectors saved and restored and subsequently re-used in the new high school building or other City building project. This MOA was also sent to the Massachusetts Historical Commission for their review and the MHC is in agreement with the items identified to be saved, restored and re-used. The early engagement of the HPC and state agencies has helped to keep this important project moving ahead on-schedule.

Staff Notes: The SHS project has been thoroughly vetted through the public process and through the review of other boards and committees over the last few years. The SHS building project was also put to referendum during the 2016 elections, in a request for a debt exclusion to cover the city's portion of the project cost. 72% of voters who turned out voted in favor of the SHS building project. The review bodies and public forums through which this project has passed in order to come to the ZBA are as follows:

- Somerville High School Building Committee
 - Educational Planning Working Group
 - Exterior Building & Site Design Working Group
 - Sustainability Working Group
 - MEP Systems Working Group
 - Interior Design Working Group
 - Safety and Security Working Group
- Educational Visioning & Planning with High School Staff, Teachers, and Community
- Somerville High School Staff – over 100 programming meetings
- Somerville High School Students
- Somerville School Committee
- Somerville School Department staff
- Somerville Board of Aldermen
- City of Somerville Residents – Public Forums
- Massachusetts School Building Authority (MSBA)
- Department of Elementary & Secondary Education (DESE) for Special Education and Career Technical Education
- Somerville Historic Preservation Commission
- Massachusetts Historic Commission
- Somerville Fire Department
- Somerville Police Department
- Somerville Department of Public Works
- Somerville Water & Sewer Department
- Somerville Inspectional Services Department
- Somerville Information Technology Department
- Somerville City Cable
- Somerville Child Care Center
- Somerville Office of Strategic Planning and Community Development
- Somerville Office of Sustainability and Environment

The proposed school project is a creative architectural and site planning solution to a challenging site and program. The program is established by the City in to meet the standards of the Massachusetts School Building Authority (MSBA) and provide a superior educational experience for the City's high school students. The proposal also seeks to make an important connection to future public transportation by



providing direct access through the middle of the civic site to the MBTA station and Gilman Square. Additionally, the project seeks to provide on-site athletic opportunities by providing an outdoor field similar to (although smaller than) those typically found at our local high schools.

Based upon this set of circumstances, the development team created a strong site plan for the hill, an attractive building that will serve student needs and provide a substantial open field for athletic use. In addition, the site plan reserves the historic 1895 school building for other future City use, permits better access across and through the site, and connects the school to Gilman Square and the forthcoming Green Line station. The plan anticipates further review and design work for portions of the green area fronting Highland Avenue and the associated monuments. The City contemplates future work on Central Hill to update City Hall, expand and/or update the Library and reuse the 1895 high school structure.

II. FINDINGS FOR VARIANCE

A Variance (§5.5) is sought to for parking relief under Article 9 of the SZO.

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

The only variance required of this project is for parking. The site constraints at the high school site are significant. The site was selected from a city-wide search that considered moving the high school to a number of other locations in Somerville. At the end of this process, the high school committee and the design architects collectively determined that the current site was the only viable site, and also that it had significant advantages due to its central location.

The program of a modern school, including classrooms, labs, vocational school programs, and technical training programs, along with music, art and athletic programs are all very challenging to fit on a tight site. The City determined that maintaining a view to the bottom of Central Hill, along with opening up the site for more recreational opportunity, similar to what is provided on-site at other high schools, would all be a priority. Upon coordinating this site plan, the design team determined that an on-site field for athletic practice would be a significant benefit to the school. The field fits behind the building in areas currently occupied by the wing of the current 1920s era building and adjacent parking.

The design team reviewed the feasibility of incorporating one or two parking layers below the proposed athletic field. However, adding these layers would have been physically challenging and prohibitively expensive. Therefore, the team determined that it would pursue the design presented that would include fewer overall off-street spaces than currently exist. Therefore, the application includes a request for a zoning variance from parking requirements.

1. *There are “special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise.”*

Applicant’s response: A campus approach was used to analyze existing and proposed parking as the high school project will also impact City Hall and Library parking. The project will increase the total net floor area of the high school, therefore is subject to meet off-street parking requirements for the increase in net floor area as outlined in Section 9.4.2. It is assumed that the field use is an accessory use and does not impose additional parking requirements. It is also assumed that at the conclusion of the high school project, the 1895 building will be vacant and will require no additional parking.



Parking requirements for institutional, education and arts uses are outlined in §9.5.5.a and are 1.0 spaces per employee. There is a projected increase of 8 faculty/staff positions in the new high school; therefore the project is required to provide 8 additional parking spaces beyond the existing quantity of spaces on the site [f]or a proposed total of 253 parking spaces.

From the Staff memo: Staff noted in a memo provided during the hearing that: The Central Hill site is the best site for the high school, based on an extensive study, and the uses set up in the proposed school plan are there to meet the educational needs of the students. It is the unique topography of the lot and specific and individualized project needs that make it reasonable to approve this variance.

Board response: The Board concurs with the Applicant's assessment of the existing and proposed parking situation. Part of the goal of this high school project was to prioritize pedestrian traffic to, about, and from this site. To that end, a total of 85 parking spaces will be provided on-site. In addition to pedestrian traffic, the high school project also anticipates significant travel to and from the high school from the Green Line Extension. The civic campus is also readily accessible from public buses. Significant traffic/parking studies have been performed by the City which show that the adjoining side streets surrounding the civic campus are able to accommodate off-street parking during school hours.

As noted in the hearing, the site sits on a unique hilltop location, and the program requires the use of so much of the site. The review for high school sites eliminated all other locations in the City as being inadequate, therefore requiring the use of the hilltop site for the high school. The site is filled with high school, library and City Hall programming, as well as the maintaining of a historic building that was required by state and local historic programs. Digging into the hill to provide parking is prohibitively expensive, and therefore the parking variance is necessary to use this unique site.

2. *"The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."*

Applicant's response: The proposal that was presented was developed to address both facility needs and educational needs of the district. Goals for the site design emerged from planning sessions held with City staff, master planning consultants, and members of the Green Line Extension (GLX) project and included:

- Developing the civic campus to create a cohesive site design including materials and circulation;
- Maximizing view corridors to existing and future developments, including the Green Line Extension project and Gilman Station;
- Prioritizing pedestrian circulation and limiting vehicular access.

Board response: The Board finds that, in order to meet the educational programming needs of Somerville High School, as well as meet the demands of the public with regard to publicly-accessible open space, the requested reduction in on-site parking spaces is a reasonable request of the Applicant given the multitude of other needs that this project fulfills for the City. The project site itself, though large in acreage, presents numerous topographical challenges due to its hilltop location and the steep slope found at the rear of this odd, bow-shaped lot.

Of further hindrance is the existence of two other large civic buildings that are part of this central campus area and which will continue to serve their current functions going forward, as well as the historic portion



of the high school that must remain. As noted at the hearing, the field on the site is also key to the high school program. The Board finds that the Applicant's proposal provides a solution that successfully balances many competing high-priority "wants" and "needs" expressed by the greater Somerville community.

3. *"The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare."*

Applicant's response: Student, faculty, and staff transportation to and from the high school is primarily a multi-modal event, involving pedestrians, MBTA buses, personal, parent and student vehicles, school buses, or bicycles. The MBTA serves the high school via the 88 and 90 routes which stop on Highland Avenue. The 80 route also serves the civic campus and stops on Medford Street.

Board response: The Board finds that the educational and open space goals of Somerville that this project, as conditioned, meets far outweigh any negative impact created by an up-tick in on-street parking that may occur. Given that this site is well-served by current public transportation and the increase in service that will occur with the completion of the Green Line Extension at Gilman Square immediately behind the high school, the Board finds that the reduction in on-site parking will be mitigated in the short-term with the increase in public transportation service to this immediate area.

As discussed at the hearing, the extensive conditions and the process that City will undertake to address parking will ensure that the parking impacts are mitigated effectively.

III. PUBLIC HEARING

After opening and hearing the case, the ZBA scheduled a special meeting to hear further testimony regarding the High School on Tuesday, November 28, 2017. As noted above, this project requires Special Permits to alter the existing, non-conforming structure under Section 4.4.1 of the SZO and a Variance for parking under Article 9 of the SZO.

At the November 28th meeting, the ZBA decided to separate the Special Permit components of the project from the Variance component and deliberate and vote on each type of relief separately. To this end, the ZBA voted unanimously to approve the requested Special Permits for the high school building project.

The ZBA also voted to continue deliberations on the parking Variance to the December 13, 2017 ZBA meeting date.

The High School Building Committee, staff from the Capital Projects team, members of the external project team, the ZBA, Planning Staff, and Transportation & Infrastructure Planning Staff had been presented with and acknowledged the concerns that members of the public, high school staff and their representatives, and several Aldermen raised regarding the proposal to reduce the amount of on-site parking during and after the construction phases of the building project.

In the staff report for the high school project, Staff recommended that the ZBA approve the proposed project without attaching conditions thereto. Such a recommendation is due to the extensive inter-



departmental coordination² required for this public project. Essentially, ZBA conditions are not necessary on a public project that will be receiving internal review and scrutiny of the issues that are typically the subject of our standard project conditions. On November 28, 2017, the ZBA passed the requested Special Permits for the project without attaching conditions. Given the concerns raised around parking, Planning Staff amended the recommendation to the ZBA by adding a set of conditions to consider attaching to the requested parking Variance.

Staff notes in their memo on November 28th that the initial opinion of the staff report has not changed with regard to recommending approval of the requested Variance: this project meets the test for granting a variance. Nonetheless, to further limit any risk of detrimental impact, Staff recommends the following:

IV. DECISION

Variance under §5.5 and Article 9 of the SZO

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Danielle Evans, Pooja Phaltankar. Anne Brockelman was recused and Josh Safdie absent (but also recused). Upon making the above findings, Richard Rossetti made a motion to approve the request for a Variance. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the variance. The following conditions were incorporated into the approval:

1. Transportation & Infrastructure Planning Staff (T&I), in coordination with Capital Projects and the T&I external consultant team retained to execute this project, shall hold regularly-occurring public meetings to gather additional feedback and suggestions from the public and city staff (including any employees of the City of Somerville, but especially employees and their representatives whose normal work activities are undertaken at the central civic campus site) and to report on their progress to creating solutions to some of these parking concerns.
 - a. By January 15, 2018, T&I, Capital Projects, and the external project team³ shall create and make publicly available a calendar of said public meetings, their times and locations. These meetings shall occur, at a minimum, quarterly.
 - b. By January 15, 2018, T&I, Capital Projects, and the external project team shall create and announce an online mechanism through which the public, including city staff, can submit comments, questions, and suggestions pertaining to the high school parking issue.
2. T&I, Capital Projects, and the external project team shall provide an estimate of overall parking supply and anticipated demand, on both the Central Hill Campus and the surrounding neighborhoods, for the following times of day/situations at a minimum:
 - a. Arrival time for teachers and high school staff
 - b. Typical commuting windows (residential neighborhoods)
 - c. Pick-up and drop-off times for parents/buses
 - d. Arrival time for City Hall staff
 - e. Release time for teachers and high school staff
 - f. Release time for City Hall staff

² For example, Engineering Department for drainage and storm water management, the City Arborist for open space planning and review, Inspectional Services Division (ISD) for building and safety code inspections throughout the project, etc.).

³ “External project team” shall refer to any consultants retained in the future to perform traffic and parking studies for the purposes of this project.



- g. Regularly scheduled night-time meetings at City Hall (for example, BOA, ZBA, Planning Board, BOA committee meetings, etc.)
- h. High School events
- i. High School sports practices (after project completion)
- j. Snow emergency parking
- k. Street cleaning days
- l. Days with higher than normal demands for short-term visitors to City Hall
- m. Election days (assuming a central hall building is continued to be used as a polling location)

These studies should include, but not be limited to, strategies to address:

- a. Number of student drivers who regularly rely on area parking due to driving themselves to school
- b. The number of resident parking permits issued within a ½ mile radius of the central campus
- c. The sidewalk quality in the immediate area and its impact on the pedestrian experience (assuming an uptick in the number of pedestrians)
- d. The number of school staff and city hall staff with mobility issues and devise accommodation strategies
- e. The number of current and potential regular bike and public transportation-reliant school and city staff

Due consideration shall be given to strategies that include but are not limited to:

- a. Assigning drivers to specific zones for parking
- b. Prioritization of snow clearing and full removal of snow from sidestreets in the immediate area of City Hall
- c. Transportation Demand Management strategies, including but not limited to discounted T pass programs (with greater publicity), guaranteed ride home programs (for those who use transit), better bicycle storage/shower facilities, work from home programs for snowy days, etc.
- d. Review of options for off-site parking in lots or garages with or without shuttle services
- e. Creating an outer “ring” zone for those who are able to walk longer distances
- f. Create a subset of the ring zones for those who cannot walk long distances
- g. Subsidized MBTA passes
- h. Expand pre-tax MBTA passes to school staff
- i. Additional bicycle racks
- j. Secure, covered bike parking (bike lockers)
- k. Carpool ride matching
- l. Carpool incentives
- m. Shuttle service to satellite lot
- n. Neighborhood shuttle service
- o. Carpool lot
- p. Satellite lots within walking distance of campus
- q. Construct parking garage within walking distance of campus
- r. Provide locker rooms/showers to incentivize bicycling/walking/running to work
- s. Provide city staff with use of city vehicles if they arrive by carpool/MBTA/walk/bike
- t. Provide equivalent Resident Permit stickers to employees so they can park anywhere in the city (or, alternatively, along the length of Highland Avenue allowing staff to get on the 88 or 90 bus)
- u. Shift street sweeping zones
- v. Reduce street sweeping in study area to 1x per month
- w. Provide parking “stipend”
- x. Encourage work-from-home

- y. Discouraging out of neighborhood permit holders from parking in the neighborhood for the Green Line
- z. Permitting neighbors to offer driveway spaces for rent to city hall and school employees

Consideration shall also be given to any reasonable, relevant and legal suggestions that are made by the committee established per Condition #7. Whatever system is chosen shall be monitored regularly, with the opportunity to adjust the program if on-street parking demand is squeezed too much in any particular area due to the program.

3. By January 31, 2018, T&I, Capital Projects, and the external project team shall create a set of milestones that will govern when key analyses will be completed, data shared, and solutions created to address parking concerns. These milestones will be made publically available upon completion and will reflect a schedule that is ambitious but achievable. At a minimum, the City will begin to implement steps to encourage alternatives to driving by September 2018, and will seek out additional parking location opportunities by the start of 2019.
4. By May 1, 2018, T&I, in coordination with Capital Projects and the external project team, will conduct a new study of existing parking demand and capacity in the neighborhoods surrounding City Hall and the High School.
5. By September 15, 2018, T&I, in coordination with Capital Projects and the external project team, will release an analysis of potential strategies, their feasibility and anticipated timeframes, which protect and balance the needs of residents, teachers and staff and the project coordinators.
6. By December 31, 2018, T&I, in coordination with Capital Projects and the external project team, will set up a schedule to implement the selected strategies.
7. By February 15, 2018, T&I will create a committee to review and the process. The committee will include representation from:
 - Board of Aldermen
 - Neighborhood Residents
 - High School Teachers
 - City Hall employees
8. By February 15, 2019, selected strategies that can be implemented in the short term will be implemented to a significant degree.
9. After the implementation of the chosen strategies, the effectiveness of the strategies will be publicly reviewed at least quarterly, and revisited as needed, for a minimum of one-year after the completion of construction.
10. The approval of this variance does not incorporate parking for the 1895 building.
11. Construction company employees and construction vehicles must park off-site after April 2018.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino
Pooja Phaltankar (*Alt.*)

Attest, by the Planner: _____

Alex Mello

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or

_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or

_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

